

1 PILLSBURY WINTHROP SHAW PITTMAN LLP  
 FRANK E. SIEGLITZ 45953  
 2 WESLEY C.J. EHLERS 181537  
 400 Capitol Mall, Suite 1700  
 3 Sacramento, CA 95814-4419  
 Telephone: (916) 329-4700  
 4 Facsimile: (916) 441-3583  
 E-mail: wes.ehlers@pillsburylaw.com

5 Attorneys for Plaintiff  
 6 MERRIMAK CAPITAL COMPANY, LLC

7 Scott H. Jacobs (SBN 81980)  
 Abraham J. Colman (SBN 146933)  
 8 Natasha Sund (SBN 228633)  
 REED SMITH LLP  
 9 355 S. Grand Avenue, Suite 2900  
 Los Angeles, CA 90071  
 10 Telephone: (213) 457-8000  
 Facsimile: (213) 457-8080  
 11 E-mail: shjacobs@reedsmith.com

12 Attorneys for Defendants  
 CVS PHARMACY, INC. and CVS CORPORATION

13 L. Kahan, Esq./CSB #32909  
 14 Patrick L. Prindle, Esq./CSB #87516  
 MULVANEY, KAHAN & BARRY  
 15 401 West A Street, 17<sup>th</sup> Floor  
 San Diego, CA 92101-7994  
 16 Telephone: (619) 238-1010  
 Facsimile: (619) 238-1981  
 17 E-mail: pprindle@mkblaw.com

18 Attorneys for Defendant  
 INNOVATION ASSOCIATES, INC.

19 IN THE UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

21 \_\_\_\_\_ )  
 22 MERRIMAK CAPITAL COMPANY, LLC, a )  
 California limited liability company, )  
 23 Plaintiff, )  
 24 vs. )  
 25 CVS PHARMACY, INC., a Rhode Island )  
 corporation; CVS CORPORATION, a Delaware )  
 26 corporation; INNOVATION ASSOCIATES, )  
 INC., a New York corporation; and DOES )  
 27 1-100, )  
 28 Defendants. )  
 \_\_\_\_\_ )

Case No. C 06-06680 CRB

STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE

1 WHEREAS the next case management conference in this case is set to take place  
2 on July 6, 2007 at 8:30 a.m.; and

3 WHEREAS that case management conference was scheduled based on the parties'  
4 and their respective counsel's belief that the mediation in this case would take place no  
5 later than June of 2007, and with the intention of that case management conference  
6 serving as a vehicle for the parties and counsel to report to the Court regarding the results  
7 of that mediation; and

8 WHEREAS the mediator selected by the parties, The Honorable Gary L. Taylor,  
9 United States District Court for the Central District of California (retired), has become  
10 unavailable during the month of June 2007 as a result of a personal medical procedure;  
11 and

12 WHEREAS, in light of Judge Taylor's schedule and that of the parties and their  
13 counsel, the earliest date on which the mediation could be scheduled was July 27, 2007;

14 The parties and their counsel hereby stipulate, and respectfully request that the  
15 Court order, that the case management conference in this case be continued to a date  
16 sometime after July 27, 2007.

17  
18 Dated: June 8, 2007.

PILLSBURY WINTHROP SHAW PITTMAN LLP  
FRANK E. SIEGLITZ  
WESLEY C.J. EHLERS  
400 Capitol Mall, Suite 1700  
Sacramento, CA 95814-4419

21 By /s/ Wesley C. J. Ehlers  
22 Attorneys for Plaintiff  
23 MERRIMAK CAPITAL COMPANY, LLC  
24  
25  
26  
27  
28

1 Dated: June 8, 2007.

REED SMITH LLP  
SCOTT H. JACOBS  
ABRAHAM J. COLMAN  
NATASHA SUNG  
355 S. Grand Avenue, Suite 2900  
Los Angeles, CA 90071

5 By /s/ Scott H. Jacobs  
Attorneys for Defendants  
CVS PHARMACY, INC. and CVS CORPORATION  
(As authorized by counsel on June 8, 2007)

8 Dated: June 7, 2007.

MULVANEY, KAHAN & BARRY  
LAWRENCE KAHAN  
PATRICK L. PRINDLE  
401 West A Street, 17<sup>th</sup> Floor  
San Diego, CA 92101-1010

11 By /s/ Patrick L. Prindle  
Attorneys for Defendant  
INNOVATION ASSOCIATES, INC.  
(As authorized by counsel on June 7, 2007)

15 ORDER

16 Based on the stipulation of the parties and their counsel as set forth above, and  
17 good cause appearing for the relief requested, the Court hereby orders that the case  
18 management conference currently scheduled for July 6, 2007 at 8:30 a.m. be continued to  
19 August 10, 2007 at 8:30 a.m.

21 Dated: June 11, 2007.

